

## STATE OF SOUTH CAROLINA

Application of

Public Communications Services, Inc.

for a Certificate of Public Convenience and Necessity  
to Provide Intrastate Telecommunication Services  
and for Alternative Regulation within the State of  
South Carolina

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

## COVER SHEET

DOCKET  
NUMBER:

(Please type or print)

Submitted by: Bonnie D. ShealySC Bar Number: 11125

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

## DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

☒ Other: \_\_\_\_\_

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certificatio	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigator	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

Application of	)	
	)	
<b>Public Communications Services, Inc.</b>	)	Docket No. _____
	)	
for a Certificate of Public Convenience and	)	
Necessity to Provide Intrastate Telecommunications	)	
Services Throughout and for Alternative Regulation	)	
Within the State of South Carolina	)	
	)	

**MOTION FOR PROTECTIVE TREATMENT AND  
BASIS FOR FILING EXHIBIT IV AS TRADE SECRET**

**Introduction**

Public Communications Services, Inc. ("PCS" or "Applicant"), by its attorneys and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and all other applicable rules, statutes and regulations, hereby files this Motion for Protective Treatment ("Motion") in the above-captioned proceeding. By this Motion, the Applicant seeks protective treatment by the South Carolina Public Service Commission ("Commission"), of certain commercially-sensitive financial statements attached as ***Exhibit IV***, filed as Trade Secret to the Application for Authority for PCS to Provide Intrastate Telecommunications Services and for Alternative Regulation within the State of South Carolina ("Application"). Because this Motion is an inseparable part of the Application, it is being filed concurrently therewith.

In support of this Motion, the Applicant provides the following:

*This document is an exact duplicate, with the exception of the form of the signature, of the e-filed copy submitted to the Commission in accordance with its electronic filing instructions.*

1. The exact legal name, address and telephone number of the Applicant is:

Public Communications Services, Inc.  
11859 Wilshire Boulevard, Suite 600  
Los Angeles, CA 90025  
(310) 954-3017 (Tel)  
(800) 296-6971 (Fax)  
(800) 350-1000 (Toll Free)

2. Correspondence or communications regarding this Motion should be addressed to:

Bonnie D. Shealy, Esquire  
Robinson, McFadden & Moore, P.C.  
1901 Main Street, Suite 1200  
P.O. Box 944  
Columbia, SC, 29202  
Tel: 803-779-8900  
Fax: 803-252-0724  
Email: [bshealy@robinsonlaw.com](mailto:bshealy@robinsonlaw.com)

with copies to:

Poova Bullock, Regulatory Manager  
Public Communications Services, Inc.  
11859 Wilshire Boulevard, Suite 600  
Los Angeles, CA 90025  
(310) 954-3029 (Tel)  
(800) 954-2118 (Fax)  
(800) 350-1000 (Toll Free)  
Email: [poova.bullock@teampcs.com](mailto:poova.bullock@teampcs.com)

Monique Byrnes  
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P.O. Drawer 200  
Winter Park, Florida 32790-0200  
Tel: 407-740-8575  
Fax: 407-740-0613  
Email: [mbyrnes@tminc.com](mailto:mbyrnes@tminc.com)

#### **I. Description of Confidential Information.**

3. The Application requires PCS to disclose evidence of financial fitness through the submission of documentation of its financial resources and ability to provide the requested service. In conformity with this requirement, the Applicant submits copies of its financial

statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which may result in direct, immediate and substantial harm to the competitive position of the Applicant in South Carolina and elsewhere.

## **II. Grounds for Claim of Confidentiality.**

4. PCS is presently immune from a legal obligation to prepare or submit projected financial statements, or any other financial information, to any public entity. As such, the financial statements attached as *Exhibit IV* to the Application are not readily available to persons external to PCS.

5. Because the projected financial statements submitted by PCS in support of the Application contain confidential and commercially-sensitive information from which its competitors may derive economic value, PCS seeks to protect such material from public disclosure. PCS derives independent economic value from the fact that significant, detailed and proprietary information regarding its financial structure and current financing activities is unknown to its competitors. As such, the Company's financial statements are a "trade secret" as that term is used in South Carolina Trade Secrets Act. *S.C. Code Section 39-8-20(5)*. Given this fact, the disclosure of this information could provide existing and potential competitors, including interexchange carriers ("IXCs") in South Carolina, as well as in other states in which PCS provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage.

6. PCS clarifies herein that its request for protection applies only to the documents attached as *Exhibit IV* to the Application. PCS is not seeking protection of any type for those reports PCS is required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, and Universal Service Fund Worksheet.

### CONCLUSION

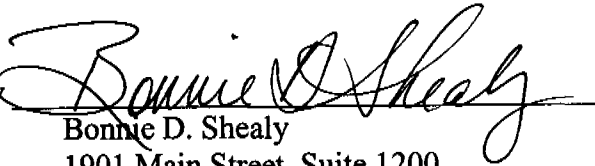
7. The audited financial information included in support of PCS's Application, for which Confidential Treatment is sought, is both proprietary and competitively-sensitive. The substantial and direct harm that could be caused to PCS as a result of any disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required PCS to make this information available to the public. For all these reasons, the projected financial statements attached as *Exhibit IV* to the Application should be protected from public disclosure by the Commission.

WHEREFORE, PCS respectfully request that the South Carolina Public Service Commission grant this Motion for Protective Treatment with respect to the audited financial statements attached as *Exhibit IV* to the Application for Authority for PCS to Provide Intrastate Telecommunications Services and for Alternative Regulation within the State of South Carolina and filed *under seal* as Confidential in this proceeding.

Dated this 31st day of March, 2008.

Respectfully submitted,

ROBINSON, MCFADDEN & MOORE, P.C.

By   
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Attorneys for Public Communications Services, Inc.

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Necessity to Provide Intrastate	)	
Telecommunications Services and for Alternative	)	
Regulation within the State of South Carolina	)	
	)	

**APPLICATION OF PUBLIC COMMUNICATIONS SERVICES, INC.**

**EXHIBIT IV**

**Financial Statements**

**CONFIDENTIAL & PROPRIETARY  
FILED UNDER SEAL**